



U.S. Department of Justice

Immigration and Naturalization Service

5-1

OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

[REDACTED]

File: WAS 214F 1185 Office: Washington

Date: OCT 4 2000

IN RE: Petitioner: [REDACTED]

Petition: Petition for Approval of School for Attendance by Nonimmigrant Students Under Section 101(a)(15)(F) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(F)

IN BEHALF OF PETITIONER: [REDACTED]

Public Copy

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

INSTRUCTIONS:


This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

  
Terrence M. O'Reilly, Director  
Administrative Appeals Office

**DISCUSSION:** The petition was denied by the District Director, Washington, D.C., and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner, Halifax Christian School (HCS), is a privately owned institution which provides primary and high school (academic or vocational) education, and language training. It seeks approval of its institution for attendance of nonimmigrant students under section 101(a)(15)(F) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(F). The district director determined that the petitioning institution had not submitted a certification that it is licensed, approved or accredited by a nationally recognized accrediting body. The district director also determined that the petitioning institution had not submitted a catalog or a written statement containing information concerning the school. Further, the district director decided that the petitioning institution had not submitted evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective.

On appeal, the petitioner submitted additional documentation for consideration.

The regulation at 8 C.F.R. 214.3(b) states in pertinent part that:

A petitioning private or parochial elementary or secondary school system shall submit a certification signed by the appropriate public official who shall certify that he or she is authorized to do so to the effect that it meets the requirements of the State or local public educational system....

The record does contain a letter dated December 7, 1999, signed by the county administrator of the Halifax County Board of Supervisors. This letter does not state that the petitioning institution meets the requirements of the State or local public educational system nor does it indicate the affiliation between the Halifax County Board of Supervisors and the State or local public educational system.

Further, the petition indicates that the petitioning institution is accredited through the School of Tomorrow. However, the inscription at the left-hand bottom of the certificate issued by the School of Tomorrow states "this certificate does not imply accreditation with any government agency." Therefore, the petitioning institution has not submitted certification signed by an authorized public official to show that it meets the requirements of the State or local public educational system. Absent such certification, the petition cannot be approved.

The regulation at 8 C.F.R. 214.3(b) states that:

A school catalogue, if one is issued, shall also be submitted with each petition. If not included in the catalogue, or if a catalogue is not issued, the school shall furnish a written statement containing information concerning the size of its physical plant, nature of its facilities for study and training, educational, vocational, or professional qualifications of the teaching staff, salaries of the teachers, attendance and scholastic grading policy, amount and character of supervisory and consultative services available to students and trainees, and finances (including a certified copy of the accountant's last statement of school's net worth, income and expenses).

The petitioning institution has not submitted a school catalogue or the information required by the aforementioned regulation such as the salaries and qualifications of the teaching staff.

The regulation at 8 C.F.R 214.3(c) states that:

If the petitioner is a vocational, business or language school, or American institution of research recognized as such by the Attorney General, it must submit evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, and are not avocational or recreational in character.

The petitioning institution does not need to submit such evidence since it is not a vocational, business, or language school but a private institution engaged in vocational and language training at the primary and high school educational level. However, the same regulation goes on to state:

If the petitioner is an elementary or secondary school and is not within the category described in paragraph (b)(1) or (3) of this section, it must submit evidence that attendance at the petitioning institution satisfies the compulsory attendance requirements of the State in which it is located and that the petitioning school qualifies graduates for acceptance by schools of a higher educational level within the category described in paragraph (b)(1), (2), or (3) of this section.

This regulation applies to the petitioning institution and the record does not contain such evidence.

Beyond the decision of the district director, the petition cannot be approved for other reasons. The regulation at 8 C.F.R. 214.3(e) states in pertinent part that the petitioning institution must

establish that it is a bona fide school and that it is an established institution of learning or other recognized place of study. The petitioning institution has not established that it is an educational institution that is legally authorized to provide an educational program of primary and secondary education in the State of Virginia.

The petitioning institution must also establish that it possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses.

The evidence submitted in support of the petition has been carefully considered. The petitioning institution has not satisfactorily established that it has met the requirements of the regulations.

**ORDER:** The appeal is dismissed.